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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,885	10/19/2000	Get Sen Ngo	1849-C	5835

7590 03/29/2005
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EXAMINER

DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/673,885	NGO ET AL.	
	Examiner	Art Unit	
	Hung Q Dang	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 8, 11, 13 and 19-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. 37 CFR 1.126. Numbering of claims.

The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled the remaining claims must not be renumbered. When claims are added, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not). When the application is ready for allowance, the examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant. Therefore, in this case, the 2nd claim 17 to claim 26 have been changed to claim 18 to 27, respectively.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

4. The abstract of the disclosure is objected to because it contains the phrase "The present invention" (page 18). Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 8, 11, 13 and 20-25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 8, 11, 13 and 19-24 have not been further treated on the merits.

6. Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim the 2nd claim 17. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 14 recites the limitation "said server" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4-6, 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Thibault Richard EP 0 825 506 A2.

Regarding claims 1 and 2, Thibault et al. teaches a system for the remote control of at least one electrical apparatus (column 3 lines 40-50); said system including:

a first control means (Figure 1, unit 16) adapted to communicate with said apparatus;

a second control means (Figure 1, unit 14) adapted to communicate with said first control means;

said second control means including a dynamic memory storing information (column 4 lines 4-15; "digital data processor" implies the involvement of DYNAMIC memory) about the status of said electrical apparatus and including an input means enabling said status to be altered (See Figure 1, input means are shown on unit 14):

wherein when said status has been altered the second control means communicates said new status to said first control means which subsequently checks the status of said apparatus and alters it if necessary to be the same as the new

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communicated status and wherein when the status of said electrical apparatus has been altered the new status is communicated to the first control means and to the second control means, said second control means altering the dynamic memory to reflect the status of the apparatus (column 2 lines 18-55).

Regarding claims 4 and 5, the meter information disclosed by Thibault et al. is also accessible by the appropriate utility authority through the second control means (column 2 lines 34-44).

Regarding claim 6, the second control means disclosed by Thibault et al. also communicates to the first control means via the internet (See Figure 1).

Regarding claim 8, the second control means disclosed by Thibault et al. also receives regular status updates from the first control means (column 2 lines 45-54).

Regarding claim 12, the first control means disclosed by Thibault et al. is also a microprocessor (Figure 1, unit 25a).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault Richard EP 0 825 506 A2.

Regarding claims 9 and 10, even Thibault et al. does not specifically teach updates occur at regular predetermined temporal interval or updates occur continuously, however, one skilled in the art would recognize that such updates merely depend on how urgent the user (at the second control means) desire to see the changes in said meter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such updates to the system disclosed by Thibault et al. in order to monitor the changes in said meter, as desired.

Regarding claim 14, the information disclosed by Thibault et al. is also a home page (column 8 lines 47-59).

13. Claims 13, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault Richard EP 0 825 506 A2 in view of Ogushi Nobuaki EP 0 822 473 A2.

Regarding claim 13, the second control means disclosed by Thibault et al. is a client computer instead of a computer server.

Ogushi, in the same field of endeavor, also teaches a remote control system comprising a first control means and a second control means, wherein the second control means is a computer server (Figure 1, unit 108).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the second control means disclosed by Thibault et

al. a server, as evidenced by Ogushi, so that the operator can have more managing capability at the second control means.

Claims 15-19 are rejected for the same reasons as claims 1, 13 and 14.

14. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault Richard EP 0 825 506 A2 in view of Lyons et al. U.S. Patent 6,208,266.

Regarding claim 3, Thibault et al. teaches a system as claimed in claim 1. However, Thibault et al. does not teach said information is being security protected from access by unauthorized people.

Lyons et al., in the same field of endeavor, teaches a remote control system, wherein the accessed data is security protected from access by unauthorized people (column 34 lines 47-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide security access to the remote control system disclosed by Thibault et al., as evidenced by Lyons et al., in order protect unauthorized access to confidential data.

15. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault Richard EP 0 825 506 A2 in view of Argyroudis U.S. Patent 5,892,758.

Regarding claim 7, Thibault et al. teaches a system as claimed in claim 1. However, Thibault et al. does not teach the communication between the second control means and the first control means occurs via an electrical power distribution means.

Argyroudis, in the same field of endeavor, teaches a remote control system, which suggests data communication via an electrical power distribution means (column 6 lines 3-10). Therefore, it would have been obvious to one of ordinary skill in the art to substitute the existing communication network disclosed by Thibault et al. with a electrical power distribution means, as suggested by Argyroudis, in order to transmit data between the first control means to the second control means via an electrical power distribution means.

Allowable Subject Matter

16. Claims 26-27 are allowed.

Regarding claim 26, the prior arts of record fail to teach or disclose a system for the remote control of at least one apparatus, which comprises a protocol for assigning a web address to said at least one apparatus whereby said at least one apparatus is web-addressable independent of the nature of the communications link between said first control means and said second control means.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HD

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

